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10 *Counsel for Indirect-Purchaser Plaintiffs*

11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN FRANCISCO DIVISION**

14
15 In re: CATHODE RAY TUBE (CRT)
16 ANTITRUST LITIGATION.

Master File No. 3:07-cv-5944 JST

MDL No. 1917

17 This Document Relates to:
18 All Indirect-Purchaser Actions.

**DECLARATION OF RICHARD ZITRIN
IN SUPPORT OF LAW OFFICES OF
FRANCIS O. SCARPULLA'S
OBJECTION TO SPECIAL MASTER'S
REPORT & RECOMMENDATION RE
ALLOCATION OF IPP CLASS
COUNSEL ATTORNEYS' FEES**

21
22 **REDACTED VERSION OF DOCUMENT**
23 **SOUGHT TO BE SEALED**
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27

28 DECLARATION OF RICHARD ZITRIN iso
LOFOS's OBJECTION TO SM's R&R RE
ALLOCATION OF IPP CLASS COUNSEL'S FEES

Master File No. 3:07-cv5944 JST
MDL 1917

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE; CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

Case No. 3:07-cv-05944-JST

MDL No. 1917

CLASS ACTION

THIS DOCUMENT RELATES TO:
ALL INDIRECT-PURCHASER ACTIONS

**DECLARATION OF RICHARD
ZITRIN IN SUPPORT OF FRANCIS
O. SCARPULLA**

1 I, Richard Zitrin, hereby declare as follows:

2 1. I am an attorney licensed to practice before all the courts of the State of California
3 before the United States District Court for the Northern District of California and the United
4 States Court of Appeals for the Ninth Circuit, and bear State Bar Number 63300. I am serving in
5 this matter in the capacity of an expert in legal ethics, having been retained by attorney
6 FRANCIS O. SCARPULLA. If requested to by the Court, I am prepared to testify as to all
7 matters contained in this Declaration.

8 2. My complete ethics-related curriculum vitae in its most recently updated form is
9 attached hereto as Exhibit A. I have been teaching Legal Ethics for 38 years, primarily at the
10 University of San Francisco School of Law and the University of California, Hastings College of
11 the Law. I am currently a member of the UC Hastings faculty as Lecturer in Law, and formerly
12 was the founder and first director of the Center for Applied Legal Ethics at the University of San
13 Francisco. I am the lead author of three books on legal ethics, one of which is a widely used
14 ethics law school text whose fourth edition was published in December 2013, and another of
15 which is an annually updated book of rules that includes a rule-by-rule comparison of California
16 and ABA rules of professional conduct. I have served as consultant to numerous public service
17 organizations and members of the state legislature on ethics issues, as well as having served as
18 Chair and Special Advisor to the State Bar ethics committee, colloquially called "COPRAC."

19 3. In coming to the opinions set forth in paragraph 5 below, I have reviewed the
20 declaration of Francis O. Scarpulla of October 5, 2016 and exhibits attached thereto in the form
21 of text messages between Mr. Scarpulla and attorney Craig Corbitt; Zelle LLP's Response to
22 Special Master's Request for Documents of October 10, 2016, with attached email string,
23 [REDACTED] and a partial transcript of
24 proceedings of October 3, 2016 before Special Master Martin Quinn, pages 31-33.

25 4. Of particular importance in reaching my opinion is the following documentation.
26 In the transcript of October 3, 2016, Special Master Quinn asked Mr. Alioto the following
27 question: "So you have no agreement with the Zelle firm that for some bizarre reason they will
28

1 act as colead counsel even though they're not called colead counsel?," to which Mr. Alioto
 2 replies "That's right." When the special master then asks Mr. Micheletti "is there anything to
 3 this allegation of Mr. Scarpulla's," Mr. Micheletti replies, "No, there's not. I agree with Mr.
 4 Alioto's characterization...."

5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 5. In light of this documentation, is my opinion that by categorically denying to the
 9 special master the existence of any agreement or any evidence of such an agreement, Mr. Alioto
 10 and Mr. Micheletti acted unethically. Section 6068(d) of the Business & Professions Code,
 11 "Duties of Attorney," states that it is the duty of all attorneys "never to seek to mislead the judge
 12 or any judicial office by an artifice or false statement of fact or law." Calif. Rule of Prof'l
 13 Conduct 5-200(A) states that "in presenting a matter to a tribunal," a lawyer "[s]hall employ, for
 14 the purpose of maintaining the causes confided to the member such means only as are consistent
 15 with truth." Subsection (B) of Rule 5-200 repeats the language of Bus. & Profs. Code section
 16 6068(d).

17 6. It is my opinion that it is of no moment whatever that the false statements were
 18 presented to a special master and not a judge. Special masters have judicial power. Moreover,
 19 the Business & Professions Code refers to judges "or any judicial officer," while rule 5-200
 20 refers to a "tribunal," that is, not only to a judge.

21
 22 I declare under penalty of perjury under the laws of the State of California and the
 23 United States of America that the forgoing is true and correct and that this declaration was
 24 executed in San Francisco, California on November 1, 2016.

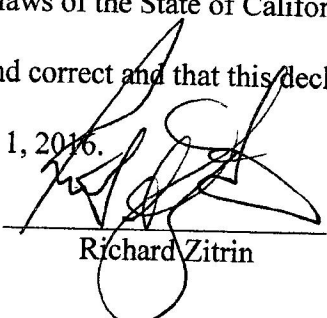
25
 26 
 27 Richard Zitrin
 28

EXHIBIT A

RICHARD ZITRIN
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SAN FRANCISCO, CA 94133
(415) 354-2701 DIRECT
RICHARD@ZITRINLAWOFFICE.COM
ZITRINR@UCHASTINGS.EDU

CURRICULUM VITAE - LEGAL ETHICS

Member, State Bar of California, 1974 - present

Member, New York State Bar, 1983 – present

ACADEMIC

A.B., Oberlin College, Oberlin, Ohio, 1968 (with Honors in Government)

J.D., New York University School of Law, 1974

Attendee, University of San Francisco School of Law, 1973-1974; **Executive Director**, Moot Court

Lecturer in Law, University of California, Hastings College of the Law, teaching Professional Responsibility (Legal Ethics in the Practice of Law), 2010 – present

Director/Founder, Center for Applied Legal Ethics, University of San Francisco School of Law, 2000 - 2004; **Faculty Coordinator**, Legal Ethics Seminar courses, 1991 - 2000

Adjunct Professor of Law, University of California, Hastings College of the Law, 1994 – 2010

Adjunct Professor of Law, University of San Francisco, Professional Responsibility, Professional Responsibility Seminar, and Seminar in Legal Ethics and the Practice of Law, 1977 - 2006; and Trial Practice, 1986 - 1987, 1991 - 1994 and 1997 - 2000

Visiting Lecturer, Fordham University Law School, first year orientation program – “Truth, Justice, Ethics, and Morality” 2001 – 2005, as well as other law schools

SELECTED LEGAL AFFILIATIONS, COMMITTEES

Certified Specialist, Legal Malpractice, State Bar of California Board of Legal Specialization, 2010 – present

Chair, State Bar of California Committee on Professional Responsibility and Conduct, 1994-1995; **Special Advisor** 1995-1996; **Vice Chair**, 1993-4; **Member**, 1990-1996

Consultant, American Bar Association, Program of Assistance and Review, 1989 – 2006

Member, American Bar Association Standing Committee on Lawyer Information and Referral Service, 1991 - 1995; **Principal Drafter**, ABA Model Rule and Legislation governing lawyer referral services

Pro Bono Consultant to Bay Area legal services and criminal defense groups, including the California Appellate Project; the First District Appellate Project; the Bar Association of San Francisco Justice & Diversity Center – Pro Bono Project and Homeless Advocacy Project; the Legal Aid Society Employment Law Center; Bay Area Legal Aid; East Bay Community Law Center; and several Northern California county public defender offices

Legislation Consultant, to Senator Herb Kohl (D-Wis., Ret.), and Representative Jerrold Nadler (D-NY) on drafting anti-secrecy legislation, including S. 623 in the United States Senate and H.R. 5419 in the House of Representatives, May 2010, and to Senators Richard Blumenthal (D-CT), Lindsey Graham (R-SC), and Sheldon Whitehouse (D-R.I.), on drafting anti-secrecy legislation S. 6234, Feb. - May 2014

CURRICULUM VITAE - RICHARD ZITRIN

Page 2

Legislation Consultant, to Washington State Senator Adam Kline 2007 – 2010 on anti-secrecy legislation

Legislation Consultant, to former Assemblymembers and State Senators Fran Pavley, Darrell Steinberg and others, and current Assemblymembers Mark Stone and David Chiu, on numerous pieces of law-related legislation and **Principal Author** of legislation on their behalf, 2002 – present

Member, Bar Association of San Francisco Board of Directors, 2003 – 2006

Member, State Bar of California Board of Legal Specialization, Task Force on Legal Malpractice Specialization, 2008 – 2009

Member, Governor's Task Force on Confidentiality Rule of Professional Conduct, Member, 2004-2005

Chair, Bar Association of San Francisco Committee on Minority Scholarships, 2002 – present

Consultant, *The Practice*, ABC network television show, 2002 – 2004

Principal, THE ETHICS GROUP® (Certified MCLE provider), 1996 - 2002

Mediation Panel Member, American Arbitration Association Center for Mediation, 1996 - 2002

Co-Moderator, Counsel Connect and Law News Network On-Line Ethics Forum, 1998 - 1999

Judge, Georgetown University National Ethics Essay Contest, 1997

Consultant, Multistate Professional Responsibility Examination Drafting Committee, 1997

Chair, California State Bar Standing Committee on Lawyer Referral Services, 1988 - 1991

Chair, Bar Association of San Francisco Ad-Hoc Committee on Conflicts Appointments, 1989 - 1991

Legal Technical Advisor, *Class Action*, feature film of 20th Century Fox Film Corp., 1989 - 1991

Chair, Bar Association of San Francisco Lawyer Referral Committee, 1986 - 1988

Certified Specialist in Criminal Law – State Bar of California Board of Legal Specialization, 1981 - 1991

Consultant, Jury selection and trial techniques, Videosyncracy, San Francisco (theater techniques for litigators), 1989 – 1999

AWARDS

Exemplar Award – San Francisco Bar Justice and Diversity Center, for outstanding public service work, 2015

Award of Merit – Bar Association of San Francisco, for efforts to support law school diversity and for endowing a scholarship for underrepresented minority students, 2014

Award of Merit – Bar Association of San Francisco, for efforts to ensure the success of the Bar's legal services programs, 2011

Recipient – American Bar Association *Pro Bono Publico* Award, 2006

Nominee – from Bar Association of San Francisco, State Bar of California annual diversity award, 2005

Honoree – Bar Association of San Francisco Foundation's First Annual Gala, for volunteer work, 2004

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Certificate of Merit - Bar Association of San Francisco, for promoting “equality and justice for all,” 2002

Honoree – Outstanding program on Professionalism in law schools (USF ethics curriculum), ABA Section on Legal Education, ABA Annual Meeting, July 2000

“Outstanding Volunteer in Public Service” – Bar Association of San Francisco for pro bono work, annually from 2001 to present

Larry Long Award – State Bar of California, for contributions to lawyer referral services, 1990

Award of Merit – Bar Association of San Francisco, for work supporting programs for people of modest means, 1987

SELECTED WRITINGS

Lead Author of the following books:

Legal Ethics in the Practice of Law, with Carol M. Langford and Liz Ryan Cole (LexisNexis, 921 pages, hardcover and electronic), Fourth Edition, December 2013

The Moral Compass of the American Lawyer, with Carol M. Langford (Ballantine Publishing, a division of Random House, 274 pages, hardcover and paperback), May 1999, and translations into Japanese, simplified Chinese (China), and traditional Chinese (Taiwan)

Legal Ethics: Rules, Statutes, and Comparisons, currently with Kevin E. Mohr (LexisNexis, 677 pages, softcover, 1995-2016 (annually updated))

Author of the following law- and ethics-related articles:

The Moral Compass: Persky’s Move: A Reaction to the Reactionary, The [S.F.] Recorder and law.com on-line, September 1, 2016

The Moral Compass: The State Bar’s Disciplinary System is Broken, The [S.F.] Recorder and law.com on-line, May 12, 2016

The Moral Compass: The Bar Flunks Its History Test, The [S.F.] Recorder and law.com on-line, April 29, 2016

Monroe Freedman Was Right about Atticus Finch, law.com on-line and The [S.F.] Recorder, July 22, 2015

The Moral Compass: State Bar Initiates Ethics Rewrite 2.0, The [S.F.] Recorder and law.com on-line, February 16, 2015

The Moral Compass: Lack of Transparency Marks Recent State Bar Controversies, The [S.F.] Recorder and law.com on-line, December 8, 2014

The Moral Compass: State Supreme Court Resets Ethics Rewrite, The [S.F.] Recorder and law.com on-line, October 10, 2014

The Moral Compass: Secret Settlements Fueled GM’s Latest Ethical Inferno, The [S.F.] Recorder and law.com on-line, June 16, 2014

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A Lethal Culture of Secrecy at G.M., The New York Times, letter, June 11, 2014

The Moral Compass: The Playbook Theory of Disqualification Isn't New, The [S.F.] Recorder and law.com on-line, March 28, 2014

The Moral Compass: The Ethical Obligations of Your Avvo Profile, The [S.F.] Recorder and law.com on-line, January 20, 2014

The Moral Compass: Avvo Has Your Number But What Does It Mean?, The [S.F.] Recorder and law.com on-line, January 6, 2014

The Moral Compass: Mediation Confidentiality Needs Exceptions, The [S.F.] Recorder and law.com on-line, October 21, 2013

The Moral Compass: Privilege Can't Be Used Against Client, The [S.F.] Recorder and law.com on-line, September 2, 2013

The Moral Compass: Law Firms Gain Secrecy at the Expense of Client Loyalty, The [S.F.] Recorder and law.com on-line, July 21, 2013

Regulating the Behavior of Lawyers in Mass Individual Representations: A Call for Reform, 3 St. Mary's Journal on Legal Malpractice and Ethics 86 (2013)

The Moral Compass: Guard Your Client's Public Secrets, The [S.F.] Recorder and law.com on-line, June 7, 2013

The Moral Compass: Court Struggles to Regulate Attorney Blogging, The [S.F.] Recorder and law.com on-line, May 17, 2013

The Moral Compass: The Narrative Form is an Untenable Solution, The [S.F.] Recorder and law.com on-line, March 29, 2013

The Moral Compass: When a Lawyer May Breach the Privilege, The [S.F.] Recorder and law.com on-line, March 1, 2013

The Moral Compass: Full Disclosure is Key in Mass-Plaintiff Cases, The [S.F.] Recorder and law.com on-line, December 14, 2012

The Moral Compass: How to Handle Mass Plaintiff Conflicts, The [S.F.] Recorder and law.com on-line, December 7, 2012

Poor Showing by Legal Industry in Chevron Fire, The San Francisco Chronicle August 20, 2012

The Moral Compass: State Bar Disaster Team Overreaches, The [S.F.] Recorder and law.com on-line, August 17, 2012

The Moral Compass: Reducing Class Size: The Right Thing to Do, The [S.F.] Recorder and law.com on-line, June 11, 2012

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- The Moral Compass: When a Lawyer Needs a Lawyer*, The [S.F.] Recorder and law.com on-line, May 14, 2012
- The Moral Compass: Lack of Court Funding Further Hampers Access*, The [S.F.] Recorder and law.com on-line, April 16, 2012
- The Moral Compass: Don't Just Talk About Trust – Earn It*, The [S.F.] Recorder and law.com on-line, March 12, 2012
- The Moral Compass: Bar Discipline, Part 3: Solutions Difficult in Bar Discipline Problems*, The [S.F.] Recorder and law.com on-line, November 21, 2011
- At Issue: Should Lawyers Be Required to Perform Free Work for the Poor?*, CQ Researcher, Vol. 31, No. 25, October 7, 2011
- The Moral Compass: Bar Discipline, Part 2: Sometimes Too Aggressive*, The [S.F.] Recorder and law.com on-line, October 3, 2011
- The Moral Compass: Bar Discipline, Part 1: How Bad? Really Bad*, The [S.F.] Recorder and law.com on-line, September 19, 2011
- The Moral Compass: Too Many Lawyers? Too Many Law Schools*, The [S.F.] Recorder and law.com on-line, August 15, 2011
- The State Bar Falls Short in Protecting the Public*, The [S.F.] Recorder, November 24, 2010
- Secrecy's Dangerous Side Effects*, Los Angeles Times, February 8, 2007
- The Judicial Function: Justice Between the Parties, or a Broader Public Interest?*, 32 Hofstra L. Rev. 1565, Summer 2004
- Why the Laudable South Carolina Court Rules Must be Broadened*, 55 So. Carol. L. Rev. 883, Summer 2004
- Five Who Got It Right*, 13 Widener Law Journal, 209, Winter 2003-4 (lawyer “heroes”)
- Ask Dr. Ethics: Malpractice Coverage and Misbehaving Attorneys*, Dialogue, ABA Division of Legal Services, Summer 2003
- Ask Dr. Ethics: Solicitation, and When Does Legal Information Become Legal Advice?*, Dialogue, ABA Division of Legal Services, Winter 2003
- A Challenge to San Francisco Law Firms*, The [S.F.] Recorder, September 13, 2002 (minority scholarships)
- Ask Dr. Ethics: Client Confidences*, Dialogue, ABA Division of Legal Services, Summer 2002
- Time to End the Secrecy*, San Francisco Chronicle, August 21, 2001 (for a statute against secret settlements)
- Why Lawyers Keep Secrets About Public Harm*, The Professional Lawyer, American Bar Ass’n, Summer 2001
- The Fault Lies with the Ethics Rules*, National Law Journal, July 6, 2001 (ethics rule against secret settlements)
- After the Whistle Blows*, [S.F.] Recorder, December 23, 2000 (insurance commission lawyer Cindy Ossias’ case)
- Overcoming Secrecy With Judicial Power*, Trial, November 2000
- What Judges Can and Should Do About Secrecy in the Courts*, Roscoe Pound Institute, July 2000
- A Tale of Two Faxes*, (w/ C. Langford) “The Moral Compass” column for law.com on-line magazine and

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American Lawyer Media dailies, April 2000

It's Time to Question How Our Legal System Can Afford to Allow Secret Settlements (w/ C. Langford), Voir Dire, American Board of Trial Advocates, Spring 2000

South Carolina Flag Flap Continues to Grow, (w/ C. Langford) "The Moral Compass" column for Law News Network on-line magazine and American Lawyer Media dailies, March 2000

Law Firms Seem to Be Stealing Signs From Baseball on Salaries, (w/ C. Langford) "The Moral Compass" column for Law News Network on-line magazine and American Lawyer Media dailies February 2000

Ask Dr. Ethics: How About Percentage Fees?, Dialogue, ABA Division of Legal Services, Winter 2000

A Fistful of Fees, (w/ C. Langford) "The Moral Compass" column for Law News Network on-line magazine and American Lawyer Media dailies, December 1999

Has the MDP Train Left the Station?, (w/ C. Langford) "The Moral Compass" column for Law News Network on-line magazine and American Lawyer Media dailies, November 1999

False Profits, (w/ William M. Balin), House Counsel, Fall 1999

Who's Afraid of Pro Bono?, (w/ C. Langford) "The Moral Compass" column for Law News Network on-line magazine and American Lawyer Media dailies, October 1999

Ethics Rules for Neutrals, The Professional Lawyer, American Bar Assn, Summer 1999

Associated Stress (w/ C. Langford) "The Moral Compass" column for Law News Network on-line magazine and American Lawyer Media dailies, September 1999 (law firm "greedy" associates)

How High the Bar? (w/ C. Langford) "The Moral Compass" column for Law News Network on-line magazine and American Lawyer Media dailies, July/August 1999 (Matthew Hale case)

The Case Against Secret Settlements (Or What You Don't Know Can Hurt You), 2 [Hofstra] J. Inst. for Study of Legal Ethics 115 (1999)

Action Needed on Class Action (w/ C. Langford) "The Moral Compass" column for Law News Network on-line magazine and American Lawyer Media dailies, July 1999

No Badge of Courage (w/ C. Langford) "The Moral Compass" column for Law News Network on-line magazine and American Lawyer Media dailies, June 1999 (ethics in the Louima/Volpe case)

Calculated Malfeasance (w/ C. Langford) "The Moral Compass" column for Law News Network on-line magazine and American Lawyer Media dailies, May 1999 (discovery abuse)

Dangerous Liaisons (with W. Balin), House Counsel, Spring 1999 (corporate conflicts of interest)

A Plea for Plaintiff Protection (w/ C. Langford) "The Moral Compass" column for Law News Network on-line magazine and American Lawyer Media dailies, April 1999 (anti-SLAPP laws)

Hide and Secrets II (w/ C. Langford) "The Moral Compass" column for Law News Network on-line magazine and American Lawyer Media dailies, April 1999 (secret settlements and the Louisville Prozac trial)

Hide and Secrets (w/ C. Langford) "The Moral Compass" column for Law News Network on-line magazine and American Lawyer Media dailies, March 1999 (secret settlements)

Overprivileged (w/ C. Langford) "The Moral Compass" column for Law News Network on-line magazine and American Lawyer Media dailies, March 1999 (corporate attorney-client confidentiality)

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Getting in the Middle, The [San Francisco] Recorder, February 17, 1999 (mediation and malpractice)

Ethics in Ashes (w/ C. Langford), *California Lawyer*, November 1998 (ethics of tobacco lawyers)

The Scandal's Legal Coups and Gaffes (Roundtable), *Legal Times*, September 28, 1998 (Lewinsky scandal)

Unauthorized Practice, House Counsel, Fall 1998

Ask Dr. Ethics: Screening Without Practicing Law, *Dialogue*, ABA Division of Legal Services, Summer 1998

Truth, Justice, and the Criminal Defense Lawyer, *The Professional Lawyer*, American Bar Assn, Summer 1998

Attorney-Client Sieve (w/ C. Langford), *The (S.F.) Recorder*, April 8, 1998 (corporate attorney-client privilege)

Ask Dr. Ethics: The Difficult Lawyer and the Confidential Clients, *Dialogue*, ABA Division of Legal Services, Spring 1998

The Kaczynski Dilemma, *Legal Times*, week of February 2, 1998

The High Road, Los Angeles and San Francisco *Daily Journal*, December 1996 (mediator ethics)

Class Action Conflict (Moderator), *California Lawyer*, March 1996

Contingency Fees on the Chopping Block (Roundtable), *The [S.F.] Recorder*, February 1996

Ethical Dilemmas for the Partnership Lawyer (w/ C. Langford), *California Lawyer*, February 1996

How to Comply with the ABA's New Standards, ABA Committee on Lawyer Referral and Information Service, Summer 1995

An Ethics Rx for Your Practice (w/ C. Langford), *California Bar Journal*, May 1994

Knowing When to Disqualify Yourself From a Case, *California Bar Journal*, February 1994

Ethical Issues Face LRIS's Too, American Bar Association *Lawyer Referral Network*, Spring 1993

Risky Business ... Representing Multiple Interests, State Bar of California *Ethics Hotliner*, premiere issue, Winter 1992-93

Drafting Airtight Fee Agreements, *California Lawyer*, October 1992

Emerging Ethical Issues in Mediation, *California Lawyer*, April 1992

Attorney Heal Thyself, *California Lawyer*, July 1991 (preventive ethics)

Hollywood Law, *California Lawyer*, March 1991 (working as technical advisor on a feature film)

Ethics - In House Out-Laws?, *California Lawyer*, December 1990 (house counsel practice)

When Fees Are Unethical, *California Lawyer*, November 1989

Gambling with Multiple Interests, *California Lawyer*, April 1989 (conflicts of interest)

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SELECTED ATTORNEY PRACTICE INSTRUCTION, CONSULTING, AND SPEAKING

Panelist, “Defending the indefensible: Navigating the strategic and ethical landscape of defending clients who have engaged in defensible conduct,” American Bar Assn Annual Conference, August 2016

Speaker/Panelist, “Monroviaism revisited: an homage to the magnum opus of Monroe Freedman,” Association of Professional Responsibility Lawyers Annual Conference, August 2016

Speaker/Panelist, “Around the world in 80 minutes: The importance of understanding culture in legal practice & legal education,” International Legal Ethics Conference, New York, July 2016

Speaker/Panelist, “Strength in numbers” ethical issues in class and mass actions,” Annual California State Bar Ethics Conference, April 2016

Workshop Speaker, “Ethical issues facing legal services programs,” Homeless Advocacy Project, March 2016

Speaker/Panelist, “Limited representation and scope, and joint or dual representation,” National Lawyers’ Guild Northern California Chapter, January 2016

Speaker/Presenter, “The ethic of ‘mass action’ settlements,” Northern California Ethics Colloquium, October 2015

Plenary Speaker, “Mind the Gap!” and other questions of legal ethics,” National Conference of Insurance Guaranty Funds, July 2015

Panelist, “Dealing with difficult people,” Annual Conference of National Employment Law Association, Atlanta, GA, June 2015

Speaker, Dealing with Advance Waivers for General Counsel, Pacific Gas & Electric Co. May 2015

Speaker/Panelist, “Déjà vu all over again: Brainstorming the new California rules project,” Annual California State Bar Ethics Conference, April 2015

Speaker/Panelist, “Ethical issues representing plaintiffs in ‘mass actions’” Annual California Employment Lawyers meeting, April 2015

Speaker/Panelist, “Ethical issues in labor law: representing high numbers of multiple plaintiffs,” ABA Mid-Winter FLSA (Labor Section) Meeting, Puerto Vallarta, MX, February 2015

Speaker, “When a client’s capacity to decide is in doubt,” First District Appellate Project, January 2015

Speaker/Panelist, “Why lawyers need cross-cultural competence,” International Ethics Conference, London, England, UK, July 2014

Speaker/Panelist, “Whatever the Widget: Ethical Constants in the New Tech World,” University of San Francisco Law Review Symposium, January 31, 2014

Speaker/Panelist, “Ethical Issues Involving Elder Abuse in Probate,” 8th Annual Conference on Elder Abuse,

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UC Hastings College of the Law and Legal Assistance for Seniors, May 21, 2013

Speaker, Electronic discovery and other cutting ethics issues in technology, American Bar Association National Symposium on Technology in the Workplace, April 2013

Speaker, “The problems with multiple-plaintiff cases,” Annual St. Mary’s (San Antonio) Conference on Malpractice and Ethics, San Antonio, TX, March 1, 2013

Panelist, “Social Media and Legal Ethics Roundtable,” S.F. Recorder and the Commonwealth Club, January 2013

Speaker/Discussant, Legal education in Japan, UC Hastings conference on “Successes, Failures, and Remaining Issues of the Justice System Reform in Japan,” September 7, 2012

Speaker, “Technology, social media, and ethics,” National Employment Lawyers Association National Conference, San Diego, CA, June 2012

Speaker/Commenter, Ethics and the Supreme Court, Alliance for Justice program on “A Question of Integrity,” November 2011

Keynote Speaker, “Seven steps to heaven for new lawyers (and old),” Bar Association of San Francisco First Annual Barristers Conference, October 2011

Panelist, Judicial Ethics and the Supreme Court, American Constitution Society and Alliance for Justice, August 2011

Speaker, Ethical issues in working with the poor – Bar Association of San Francisco, June 2011

Luncheon Speaker, “Vignettes from the movies: one lawyer’s experience,” ABA Legal Specialization Conference Annual Luncheon, April 2011

Faculty Colloquium Presenter/Speaker, California’s proposed rules of legal ethics, UC Hastings Faculty Colloquium, February 2011

Featured Speaker, Ethics and appellate counsel: How the proposed rules of professional conduct might affect criminal defense, First District Appellate Project, January 2011

Speaker, Ethics and the criminal defense lawyer, San Francisco Public Defender, November 2010

Speaker, Ethics and the criminal defense’s handling of evidence, Marin County Public Defender, October 2010

Panelist, Navigating prosecutorial ethics, UC Hastings Symposium, October 2010

Speaker/Panelist, Exploring the Bybee torture memorandum: “Tortured Law,” Alliance for Justice, February 2010

Featured Speaker, Secrecy and the courts, National Conference of Women Judges, Memphis, Tennessee, October 2009

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Speaker, Ethics and criminal law, Statewide Symposium, California Attorneys for Criminal Justice, October 2009

Presenter and Panelist, Ethics and criminal defense law – A national panel of experts, “Have We Come to the Loyalty Apocalypse?”, State Bar of Montana, Seminar on Ethics in Criminal Defense Practice, Bozeman, MT, June 2009

Speaker, Major proposed changes in California ethics rules, American Board of Trial Advocates, April 2009

Speaker, “Teaching legal ethics to students and practitioners: A demonstration, some examples, and some differences,” Tokyo Bar leaders and law school deans, Tokyo, Japan, March 2009

Speaker, “Truth, Justice, Ethics, and Morality,” Hitotsubashi Law School, Tokyo, Japan, March 2009

Speaker, “Malpractice red flags,” CNA ethics training for lawyers, February 2009

Speaker, Ethics and appellate counsel, First District Appellate Project, January 2008

Speaker, Ethics and criminal law, Statewide Symposium, California Attorneys for Criminal Justice, October 2007

Featured Speaker, “(Return to the Valley of) Lights, Camera, Ethics!,” Legal Aid Society-Employment Law Center, San Francisco, June 2007

Speaker, Ethics and client autonomy, Volunteer Legal Services Program, Bar Association of San Francisco, April 2007

Speaker/Panelist, “Ethical considerations for insurance lawyers – ethical vignettes” ABA Torts and Insurance Practice Section Annual Conference, San Francisco, October 2005

Speaker/Panelist, “Whistle while you work: the neutral as whistleblower?,” ABA Section on Alternative Dispute Resolution Annual Conference, Los Angeles, April 2005

Speaker, “Working with clients with mental health disabilities,” San Francisco Volunteer Legal Services Program and AIDS Legal Referral Service Joint Training, October 2004

Speaker, “Ethical issues facing lawyer referral services,” ABA Annual Lawyer Referral and Information Service Workshop, San Diego, October 2004

Principal Speaker “Ethical issues for the dependency lawyer,” San Francisco Superior Court Mandatory Continuing Education Program for Dependency Lawyers, September 2004

Plenary Speaker, “Secrecy in settlements,” Dallas (TX) Bar Association Annual Ethics Educational Meeting, Dallas, April 2004

Speaker/Panelist, “Selected ethical issues in the discovery process,” ABA Labor and Employment Section Annual Meeting, Palm Springs, CA, April 2004

Speaker/Panelist, “When a lawyer stood tall: sharing and understanding stories of lawyer heroes,” Association of American Law Schools Annual Conference, Atlanta, Ga., January 2004

Speaker/Panelist, “Court-enforced secrecy: formation, debate and application of South Carolina’s new

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secrecy rules,” South Carolina Bar, October 2003

Plenary Speaker, “The judicial function: Justice between the parties, or a broader public interest?,” National Conference on Judicial Ethics, Hofstra [N.Y.] University, September 2003

Speaker, Small firm practice in the new millennium, American Bar Association National Meeting, August 2003

Plenary Panelist, “What is professionalism?,” National Workshop on Clinical Legal Education, Association of American Law Schools, Vancouver, B.C., May 2003

Speaker, A debate on the resolution: “Confidential settlement terms should be abolished,” New England Legal Foundation, Boston, April 2003

Speaker, Exciting and thrilling ethical issues!, San Francisco Public Defender’s Office, December 2002

Panelist, Public lawyers in the public interest: Nightmares on Main Street, Public Law Research Institute, UC Hastings, September 2002

Speaker, Exploring ethical tensions facing the regulatory lawyer: Who is the client? When do you blow the whistle?, 25th Annual National Conference of Regulatory Attorneys, June 2002

Guest Expert, The morality of ethics, Legal InCITE radio and on-line seminars, January 2002

Speaker and Panelist, Class action ethics and secrecy agreements, Louisiana Judicial College, December 2001

Speaker, A rock and a hard place: Ethical and legal dilemmas for court interpreters, Bay Area Court Interpreters Association, December 2001

Panelist, New rules on sealing documents and discovery, Bar Association of San Francisco, November 2001

Panelist, Ethical standards for mediators: From birth to maturity, California Dispute Resolution Institute, November 2001

Speaker, Towards an (overly?) simplified conflicts of interest rule, Annual Howard Lichtenstein Legal Ethics Lecture, Hofstra (N.Y.) University Law School, November 2001

Speaker and Panelist, Secrecy in the courts, Society of Professional Journalists national conference, Seattle, October 2001

Speaker, Why secrecy in the courts is a judicial ethics issue, ABA continuing education conference for state appellate judges, Vancouver, B.C., July 2001

Speaker, The lawyer as whistle-blower: a reassessment of the lawyer’s duty of confidentiality, State Bar of California Annual Ethics Conference, June 2001

Speaker/Workshop Coordinator, How health care risk managers can avoid practicing law while still doing a their jobs, California Society of Health Care Risk Managers, October 2000

Speaker, A lawyer’s moral compass -- truth, justice, and other issues, Fordham University Law School student orientation, August 2000 and August 2001

Speaker/Paper Presenter, Open courts with sealed files -- secrecy’s impact on American justice: What judges can and should do about secrecy in the courts, The Roscoe Pound Institute Annual Forum for State Court Judges, Chicago, July 2000

Principal Speaker, Ethical issues facing new lawyers, The Legal Writing Institute annual conference, Seattle,

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July 2000

Speaker/Panelist, Professionalism in law schools and the profession, Presidential Showcase Program of the American Bar Association Annual Meeting, New York, July 2000

Speaker, ABA Ethics 2000: Lawyers' duties to society vs. lawyers; duties to clients, State Bar of California Fourth Annual Statewide Ethics Symposium, June 2000

Moderator/Speaker, Class action ethics issues, American Bar Association Center for Professional Responsibility National Conference, New Orleans, June 2000

Speaker, Ethical issues presented by e-mail, the internet and other new technologies, California Society for Healthcare Attorneys, March 2000

Speaker, The fine line between risk management and the practice of law, California Society of Health Care Risk Managers, March 2000

Speaker/Moderator, Twenty-five years after Watergate: The impact on teaching ethics, Hastings College of the Law, February 2000

Moderator and Program Coordinator, Ethics in the New Millennium, and **Speaker**, The big ticket items - attorneys' fees and conflicts of interest; Winning the verdict in your personal life; Cutting edge issues for the new millennium; and The subtleties of bias, Bar Association of San Francisco and THE ETHICS GROUP®, January 2000

Speaker, The defender's ethical dilemma -- savior or mouthpiece, Criminal Trial Lawyers Association of Northern California, September 1999

Speaker, Practicing criminal defense -- the hardest ethical issues, Wisconsin State Public Defender's Conference, Milwaukee, September 1999

Speaker, A lawyer's moral compass -- truth, justice, and other issues, Indiana University School of Law, September 1999

Speaker, A lawyer's moral compass -- truth, justice, and other issues, Northwestern Law School of Lewis & Clark University, September 1999

Speaker, Cautionary tales and practical solutions, Santa Clara County Bar Association, June 1999

Speaker/Moderator, Teaching ethics CLE: should we, and if so, how?, American Bar Association Center for Professional Responsibility National Conference, La Jolla, June 1999

Speaker, Cautionary tales and practical solutions, Golden Gate University School of Law, May 1999

Speaker, Contemporary ethical issues, Queen's Bench of San Francisco, April 1999

Speaker, Client confidentiality, Bar Association of San Francisco High School Law Academy, March 1999

Speaker, Ethics Issues 1999, Lawyers' Mutual Insurance Company Statewide Seminars, January 1999

Panelist, The ethics of ethics consulting, Association of American Law Schools Annual Conference, Professional Responsibility section, New Orleans, January 1999

Speaker, Putting the profession back in Professional Responsibility, Association of American Law Schools Workshop on Professional Responsibility, Washington, DC, October 1998

Speaker, Making sense of *Birbrower*, American Arbitration Assn, Bar Association of San Francisco and THE

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ETHICS GROUP®, June 1998

Speaker/Moderator, Plenary session: Settlement and litigation secrets: the ethical boundaries, American Bar Association Center for Professional Responsibility National Conference, Montreal, May 1998

Panelist/Speaker, Are independent counsel Ken Starr and the Washington media out of control?, Oberlin (Ohio) College, May 1998

Speaker, Client confidentiality, Bar Association of San Francisco High School Law Academy, April 1998

Speaker, Secret settlements: what you don't know can hurt you, Hofstra University 2nd National Ethics Conference, April 1998

Speaker, Ethics in mediation, University of San Francisco Noontime Ethics Series, November 1997

Speaker, Ethical concerns in initiating, maintaining and terminating client relationships, California Employment Lawyers Association, September 1997

Speaker, private judging, mediation, judicial assignments and the practice of law, State Bar of California Ethics Committee Symposium, May 1997

Speaker, Principled negotiation and ethical mediation in attorney practice cases, American Arbitration Association seminar series, May - June 1997

Speaker, Mediation ethics, American Arbitration Association Monthly Continuing Education Breakfasts, March 1997

Speaker, Bankruptcy ethics - not an oxymoron, Bar Association of San Francisco, January 1997

Speaker, "Reverse discovery" and client autonomy, San Francisco Public Defender, January 1997

Panelist, Attorneys' fees, Counsel Connect On-Line Seminar, January 1997

Speaker, The big ticket items: conflicts of interest and attorneys' fees, Lawyers' Mutual Insurance Company Statewide Seminars, January - April 1997

Speaker, The pleasures and perils of small firm practice, Hastings College of the Law Annual Continuing Education Weekend, January 1997

Moderator and Speaker, Ethics, bias and substance abuse, Bar Association of San Francisco and THE ETHICS GROUP® All-day Program in MCLE Compulsories, December 1996

Moderator and Speaker, Conflicts and confidentiality, Continuing Education of the Bar, December 1996

Panelist, Unbundling of legal services, State Bar of California Annual Conference, October 1996

Panelist, Fighting an ethical fight, State Bar of California Annual Meeting, October 1996

Guest Speaker, Watch your tongue -- issues about lawyers and judges talking, McFetridge American Inn of Court, September 1996

Moderator, Courtroom ethics: theatrics and tactics, Counsel Connect On-Line Seminar, August 1996

Panelist, The fine line between cooperative advertising and illegal referrals, Annual California State Bar Lawyer Referral Workshop, July 1996

Trainer, Mediator ethics, University of San Francisco Argentine Mediation Training Program, June 1996

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- Speaker**, The line between intake interviewing and practicing law, Legal Services for Children, June 1996
- Moderator and Speaker**, Confidential settlements: necessary evil or unethical interference with the public's right to know, California State Bar Annual Ethics Symposium, May 1996
- Speaker**, Ethics and the professional liability defense lawyer, American Bar Association National Legal Malpractice Conference, April 1996
- Speaker**, More conflicts issues for health care attorneys, California Society for Health Care Attorneys Annual Conference, March 1996
- Speaker**, Legal ethics, the core issues, Hofstra (NY) University, March 1996
- Panelist**, Truth or consequences: ethical issues in the settlement of litigation, Continuing Education of the Bar, January 1996
- Speaker**, Can a criminal defense attorney provide zealous representation and still comply with Prop. 115?, Marin County Public Defender, January 1996
- Speaker**, Getting in and out of a case safely, Bar Association of San Francisco and THE ETHICS GROUP®, January 1996
- Speaker**, An ethics checklist for your practice, Lawyers' Mutual Insurance Company, Statewide Members' Seminar Series, January 1995 - December 1995
- Speaker**, Sharing space without sharing liability, Bar Association of San Francisco and THE ETHICS GROUP®, December 1995
- Speaker**, Minefields of practice, CNA Insurance, November 1995
- Speaker**, Money, money, money! -- getting paid ethically, Bar Association of San Francisco and THE ETHICS GROUP®, November 1995
- Speaker**, Conflicts of interest facing health care attorneys, California Society for Health Care Attorneys, November 1995
- Speaker**, Ethics and the business auditor, Institute of Internal Auditors Ethics and Fraud International Conference (Toronto), October 1995
- Speaker**, "Ethics 101" for lawyer referral services, American Bar Association Annual Conference on Lawyer Referral Services, 1995 - present
- Moderator/Panelist**, Engagement without the ring, State Bar of California Annual Conference, September 1995
- Speaker**, Business ethics and human resources, Northern California Human Resources Institute, August 1995
- Speaker/Panelist**, Ethics in employment law: conflicts of interest, contacting opposing parties, "after-acquired" documents, National Employment Law Association Annual Conference, June 1995
- Panelist**, Ethics and dealing with the press, National Employment Law Assoc. Annual Conference, June 1995
- Symposium Chair**, First California Statewide Ethics Symposium, and **Speaker/Moderator**, Teaching students and lawyers -- can we make ethics meaningful and accessible?, May 1995

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Speaker, The ethics of billing, Atsota Corporate Counsel Seminar, April 1995

Speaker, Effective negotiation vs. ethical negotiation - is there a difference?, American Arbitration Association Mediation Day Seminar, November 1994

Speaker, Conflicts of interest, fee agreements, and bias and diversity in the law firm, Hastings College of the Law, November 1994

Speaker/Moderator, Conflicts of interest - avoiding malpractice and disqualification, State Bar of California Annual Conference, September 1994

Speaker, Ethical implications of ABA Model Rule and Statute on lawyer referral, American Bar Association Center for Professional Responsibility Annual Conference, May 1994

Speaker, Negotiation in mediation: how to do it and what to expect, Bar Association of San Francisco Mediation Section, May 1994

Speaker, Ethics, malpractice, and the personal injury lawyer, American Bar Association National Legal Malpractice Conference, April 1994

Speaker, The ethics of competence, and withdrawing from representation, Lawyers' Mutual Insurance Company, Statewide Members' Seminar Series, January 1994 - December 1994

Speaker, Conflicts of interest and disqualification of counsel, University of San Francisco School of Law First Annual Ethics Conference, January 1994

Speaker, Ethical issues in representing juveniles, California State Public Defenders Association Annual Juvenile Law Conference, January 1994

Speaker, Getting paid safely and ethically, Hastings College of the Law Annual Continuing Education Weekend, January 1994

Speaker, The subtlety of bias: how to see it and how to avoid it, Hastings College of the Law, October 1993

Speaker, Mediator ethics: the use and abuse of power in mediation, Bar Association of San Francisco, August 1993

Speaker, A fresh look at attorneys' fees and conflicts of interest, Hastings College of the Law Annual Continuing Education Weekend, January 1993

Speaker, Ethics and law practice management, California Lemon Law Attorneys Semi-Annual Conference, December 1992

Speaker, Attorneys' fees and attorneys' fees contracts, Lawyers' Mutual Insurance Company, Statewide Members' Seminar Series, October 1992 - December 1993

Speaker, Ethics, unauthorized practice of law, and referring legal cases, American Bar Association Annual Conference on Lawyer Referral Services, October 1992

Speaker, Ethics in an estate planning practice, Bar Association of San Francisco, September 1992

Speaker, Ethics, unauthorized practice of law, and referring legal cases, State Bar of California Annual Conference on Lawyer Referral Services, August 1988 - August 1992

Speaker, Ethics and the independent banker, Western Independent Bankers Association, June 1992

Speaker, Ethics in a winning strategy: putting legal ethics to work in litigation, National Employment Law

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Association Annual Conference, June 1992

Speaker/Panelist, Conflicts of interest, attorneys fees and trust accounts, Bar Association of San Francisco Continuing Education Seminar, June 1992

Lead Instructor, Jury voir dire, University of San Francisco School of Law Intensive Trial Advocacy College, May 1992

Speaker, Ethical problems facing the expert witness, National Expert Witness Seminar Advanced Program, April 1992

Speaker, Conflicts of interest and attorneys' fees, Lawyers' Mutual Insurance Company, Statewide Members' Seminar Series, October 1991 - October 1992

Speaker, Ethical problems facing the adoption lawyer, American Academy of Adoption Attorneys, Annual Conference, May 1991

Speaker, Ethical issues: fee agreements and client conflicts, California Lemon Law Attorneys Semi-Annual Conference, March 1991

Speaker, Ethics and regulation of for-profit referral services, American Bar Association Annual Lawyer Referral Conference, October 1990

Speaker, Disclosure and other ethical problems, California Public Defenders Association Annual Statewide Conference, May 1990

Speaker, Can you refer both sides of a pro bono case?, California State Pro Bono/Legal Services Conference, March 1990

Speaker, Statutory and ethical requirements of referral agencies, National Conference of Bar Presidents, February 1990

ETHICS-RELATED PRACTICE

Ethics Consultant and Advisor to numerous individual attorneys, law firms, and legal services and public agencies, both within and outside California, 1978 - present

Names of clients are confidential; attorney references may be provided as necessary.

Pro Bono Ethics Consultant and Advisor to numerous non-profit or public agencies, including the Bar Association of San Francisco and its Lawyer Referral and Information Service; the Bar Association of San Francisco Justice & Diversity Center – Pro Bono Project and Homeless Advocacy Project; the California Appellate Project; the First District Appellate Project; the Legal Aid Society Employment Law Center; Bay Area Legal Aid; East Bay Community Law Center; several Northern California county public defender offices; and other state and out-of-state, and non-profit organizations

Speaker, in-house continuing education for law firms, law departments, and public agencies, 1991 - present

Mediator, lawyer-lawyer, lawyer-client, and lawyer-law firm disputes, including law firm dissolutions, attorneys' fees issues, and malpractice; and homeowner association conflicts, 1988 - present

Expert Witness and Consultant on professional ethics and negligence, 1985 - present, including testimony before U.S. District Court, numerous venues of California Superior Court, Nevada Superior Court, United States Bankruptcy Court and the State Bar of California

OTHER PRACTICE-RELATED

Proprietor, Zitrin Law Office, 2009 – present

Of Counsel, Carlson, Calladine & Peterson, LLP November 2008 – December 2014

Partner, Zitrin & Frassetto, LLP, 2007 – 2009

Partner, Zitrin & Mastromonaco, LLP, 1996 – 2007

Sole practice, 1984 – and 2008 – 2010; and **Partner**, Mayer & Zitrin, Mayer, Zitrin & Hirsch, and Mayer, Zitrin & Zitrin, 1975 – 1984; Special Deputy Public Defender, Marin County, 1978 – 1979

General practice, primarily family law and criminal litigation, 1975 - 1980; civil and criminal litigation, 1980 - 1984; civil litigation and litigation consultation, 1984 - 1988; civil litigation, litigation consultation, mediation, attorney conduct advice with strong emphasis on ethics and attorney practice matters and trust and estate disputes 1988 – present; and *pro bono* representation through the Bar Association of San Francisco, 1999 - present

Approximately 50 trials before the Superior Court of California as lead counsel, the majority of which were jury trials to verdict. Major litigation case details available on request.